

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## ORDER

1. The Report and Recommendation, as amended, is APPROVED AND ADOPTED.
2. The petition for writ of habeas corpus is GRANTED with respect to Petitioner’s claim of ineffective assistance of counsel (“IAC”) for failing to investigate and present testimony from alibi witnesses.
3. Execution of the writ is STAYED for 180 days to permit the Commonwealth to retry Petitioner.
4. In all other respects, the writ is DENIED.
5. A certificate of appealability shall not issue.

BY THE COURT:

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MITCHELL S. GOLDBERG, J.